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5 Attorneys for Defendants The Travelers
Indemnity Co. of America and Travelers
6 Property Casualty Co. of America

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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 KB HOME NEVADA, INC.,) Case No.: 2:10-cv-02148-GMN-RJJ
12 Plaintiff,)
13 vs.) STIPULATION AND ORDER TO DISMISS
14 TRAVELERS PROPERTY CASUALTY CO.) ACTION WITHOUT PREJUDICE
15 OF AMERICA, et al.,)
16 Defendants.)

17 WHEREAS a settlement has been reached between Plaintiff KB Home Nevada Inc. ("KB
18 Home") and Defendants Travelers Property Casualty Company of America and The Travelers
19 Indemnity Company of America (jointly "Travelers").

20 Subject to the settlement agreement between the parties, the parties hereby stipulate and
21 agree as follows:

22 IT IS HEREBY STIPULATED and agreed by and between KB Home and Travelers, by
23 and through their respective undersigned counsel, that this action shall be dismissed without
24 prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and Fed. R. Civ. P. 41(a)(1)(B) and subject
25 to the settlement agreement between the parties.

26 Such dismissal shall not operate as an adjudication on the merits relative to the claims at
27 issue in this action.

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1 This dismissal shall not impair KB Home from making these, or other, claims in any other
2 action.

3 The dismissal of this action shall not form the basis of any claim for attorney fees or costs,
4 with each side to bear its own fees and costs.

5 Dated: August 4, 2011

6 MORALES FIERRO & REEVES

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8 By: /s/ William C. Reeves
9 William C. Reeves
10 Attorneys for Defendants


11 Dated: August 4, 2011

12 MENTER & WITKIN

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14 By: /s/ Gene M. Witkin
15 Gene M. Witkin
16 Attorneys for Plaintiff

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18 **ORDER**

19 Based on the foregoing Stipulation, and good cause appearing therefore, IT IS HEREBY
20 ORDERED that the above-entitled action shall be dismissed without prejudice pursuant to Fed. R.
21 Civ. P. 41(a)(1)(A)(ii).

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25 DATED: August 5, 2011.
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